

SENATE BILL NO. 425

INTRODUCED BY BALES, BARKUS, JENT, J. TROPILA

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE FUNDING AND OPERATION OF THE FORT PECK MULTISPECIES FISH HATCHERY; AMENDING SECTION 87-3-235, MCA; REPEALING SECTION 87-3-236, MCA; AND PROVIDING EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-3-235, MCA, is amended to read:

"87-3-235. Fort Peck multispecies fish hatchery established. (1) There is a multispecies fish hatchery near Fort Peck dam. The ~~primary~~ purpose of the hatchery is to provide healthy warm water game fish to improve the warm water fishing opportunities in Montana ~~with minimal impact on cold water fish populations~~ WITH MINIMAL IMPACT ON COLD WATER FISH POPULATIONS. Administration of the hatchery must be by the department, consistent with the department's authority provided for in 87-3-201.

(2) The multispecies hatchery is intended to use 96 acres of rearing ponds to produce warm water species. The hatchery is to employ land available through long-term lease from the U.S. army corps of engineers. It is intended that the hatchery use free, high-quality water from the dredge cut adjacent to Fort Peck dam. Electric power for the hatchery may be purchased from Fort Peck dam at the lowest available rate.

(3) ~~Warm~~ Propagation of warm water species, ~~to be propagated at the hatchery may include including~~ but not limited to largemouth bass (*Micropterus salmoides*), smallmouth bass (*Micropterus dolomieu*), walleye (~~*Stizostedion vitreum*~~ *Sander vitreus*), sauger (~~*Stizostedion canadense*~~ *Sander canadensis*), black crappie (*Pomoxis nigromaculatus*), white crappie (*Pomoxis annularis*), channel catfish (*Ictalurus punctatus*), yellow perch (*Perca flavescens*), northern pike (*Esox lucius*), pallid sturgeon (*Scaphirhynchus albus*), paddlefish (*Polyodon spathula*), tiger muskellunge, other warm water species classified as species of special concern, threatened, or endangered, and bait fish, including cisco (*Coregonus artedii*), must be given priority over the propagation of any cold water species at the hatchery. To the greatest extent possible, the department shall maximize the production of warm water species at the hatchery. The propagation of cold water species may not displace or reduce the propagation of warm water species at the hatchery. The department may not produce more than 750,000 cold water fish at the hatchery each year. ~~The hatchery may also include raceways for salmon.~~

(4) Costs for hatchery ~~construction~~, operation, maintenance, and personnel are to be funded with revenue in the warm water game fish accounts established in 87-3-236, REVENUE IN THE GENERAL LICENSE ACCOUNT, or any ~~other~~ FEDERAL funding available to the department. ~~It is intended that the hatchery be constructed in stages as revenue becomes available in the warm water game fish accounts established in 87-3-236."~~

Section 2. Section 87-3-235, MCA, is amended to read:

"87-3-235. Fort Peck multispecies fish hatchery established. (1) There is a multispecies fish hatchery near Fort Peck dam. The ~~primary~~ purpose of the hatchery is to provide healthy warm water game fish to improve the warm water fishing opportunities in Montana ~~with minimal impact on cold water fish populations~~ WITH MINIMAL IMPACT ON COLD WATER FISH POPULATIONS. Administration of the hatchery must be by the department, consistent with the department's authority provided for in 87-3-201.

(2) The multispecies hatchery is intended to use 96 acres of rearing ponds to produce warm water species. The hatchery is to employ land available through long-term lease from the U.S. army corps of engineers. It is intended that the hatchery use free, high-quality water from the dredge cut adjacent to Fort Peck dam. Electric power for the hatchery may be purchased from Fort Peck dam at the lowest available rate.

(3) ~~Warm~~ Propagation of warm water species, ~~to be propagated at the hatchery may include including but not limited to~~ largemouth bass (*Micropterus salmoides*), smallmouth bass (*Micropterus dolomieu*), walleye (~~*Stizostedion vitreum*~~ *Sander vitreus*), sauger (~~*Stizostedion canadense*~~ *Sander canadensis*), black crappie (*Pomoxis nigromaculatus*), white crappie (*Pomoxis annularis*), channel catfish (*Ictalurus punctatus*), yellow perch (*Perca flavescens*), northern pike (*Esox lucius*), pallid sturgeon (*Scaphirhynchus albus*), paddlefish (*Polyodon spathula*), tiger muskellunge, other warm water species classified as species of special concern, threatened, or endangered, and bait fish, including cisco (*Coregonus artedii*), must be given priority over the propagation of any cold water species at the hatchery. To the greatest extent possible, the department shall maximize the production of warm water species at the hatchery. The propagation of cold water species may not displace or reduce the propagation of warm water species at the hatchery. The department may not produce more than 750,000 cold water fish at the hatchery each year. The hatchery may also include raceways for salmon.

(4) Costs for hatchery ~~construction~~, operation, maintenance, and personnel are to be funded with ~~revenue in the warm water game fish accounts established in 87-3-236~~ REVENUE IN THE GENERAL LICENSE ACCOUNT OR any FEDERAL funding available to the department. ~~It is intended that the hatchery be constructed in stages as~~

1 ~~revenue becomes available in the warm water game fish accounts established in 87-3-236."~~

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3 NEW SECTION. **Section 3. Repealer.** Section 87-3-236, MCA, is repealed.

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5 NEW SECTION. **Section 4. Effective date.** (1) Except as provided in subsection (2), [this act] is
6 effective on passage and approval.

7 (2) [Sections 2 and 3] are effective March 1, 2012.

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